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Docket No.: 1567.1059

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Jea-Woan LEE

Serial No. 10/691,476

Group Art Unit: 1745

Confirmation No. 5031

Filed: October 23, 2003

Examiner: Laura S. Weiner

For: **NEGATIVE ELECTRODE FOR LITHIUM BATTERY AND LITHIUM BATTERY  
COMPRISING SAME**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed August 3, 2006, having a shortened period for response set to expire on September 3, 2006, the following remarks are provided.

I. **Provisional Election of Claims Pursuant to 37 CFR §1.142**

Applicants provisionally elect Group I, claims 1-8 and 27 in response to the preliminary restriction requirement set forth in the Office Action.

II. **Applicants Traverse the Requirement**

Insofar as Groups II-VI are concerned, it is believed that claims 9-26 and 28 are so closely related to elected claims 1-8 and 27 that they should remain in the same application. The elected claims 1-8 and 27 are directed to a negative electrode for a lithium battery and claims 9-26 and 28 are also drawn to a negative electrode for a lithium battery and a method of fabricating the negative electrode. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is